

Hon. Lonny R. Suko

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## Attorney for City of East Wenatchee

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF WASHINGTON

DAVID A DODD:

NO. CV - 12-522-LRS

**Plaintiff,**

## ORDER ON DEFENDANTS' MOTION IN LIMINE

JAMES W. MARSHALL AND CITY OF EAST WENATCHEE, sued in individual and official capacities;

### Defendants.

THIS MATTER coming before the court upon Defendant's unopposed Motions in Limine, Plaintiff and Defendant appearing by and through counsel, and the court having entertained the argument of counsel, and having reviewed the files and records, and good cause appearing; now, therefore:

IT IS HEREBY ORDERED as follows:

## **GENERAL MOTIONS IN LIMINE**

1. Any reference to the ruling of Judge Crowell in the Municipal Court case related to the issue of Probable Cause. The Judge's ruling on probable cause is irrelevant to the issues in this case.

**Granted:** X      **Denied:** \_\_\_\_\_      **Reserved:** \_\_\_\_\_

2. Any evidence of other crimes, wrongs, or acts to prove character of the witness in order to show the witness acted in conformity with his character at the time relevant to this case.

**Granted:** X      **Denied:** \_\_\_\_\_      **Reserved:** \_\_\_\_\_

3. Any evidence that Defendants have liability insurance coverage.

**Granted:** X      **Denied:**      **Reserved:**

4. Any evidence regarding settlement negotiations.

**Granted:** X      **Denied:**      **Reserved:**

5. Any evidence of earlier cases involving any of the Defendants.

**Granted:** X      **Denied:**      **Reserved:**

6. Any evidence that the plaintiff did not already produce in discovery.

Granted: x      Denied:      Reserved:

7. Any mention of the plaintiff's financial adversity or the defendant's financial prosperity.

**Granted:** x      **Denied:** \_\_\_\_\_      **Reserved:** \_\_\_\_\_

8. Any mention of the probable testimony of a witness who is absent, unavailable, not called to testify in this case, or not allowed in any manner to testify in this case.

**Granted:** X      **Denied:**      **Reserved:**

9. Any attempt to request Defendant's to produce documents, stipulate to any fact, or make any agreement in the presence of the jury.

**Granted:** X      **Denied:** \_\_\_\_\_      **Reserved:** \_\_\_\_\_

10. Any statement of the law, other than that regarding the burden of proof and the basic legal definitions counsel believe to be applicable, before the court rules on the law applicable to this case.

Granted: X      Denied:      Reserved:

11. Any mention of the value of Defendants' assets.

**Granted:** x      **Denied:**      **Reserved:**

12. Any comment attempting to impose liability upon or arouse prejudice against any corporate Defendant simply because it is a corporation.

**Granted:** X      **Denied:**      **Reserved:**

DONE IN OPEN COURT this 4th day of March, 2014.

*s/Lonny R. Suko*

HONORABLE LONNY R. SUKO  
Senior U. S. District Court Judge  
Eastern District of Washington

## Presented by:

## JERRY J. MOBERG & ASSOCIATES

/S/ JERRY J. MOBERG

Jerry J. Moberg WSBA # 5282

Attorney for East Wenatchee and James Marshall

## Copy Received:

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Attorney for Plaintiff